Scott. II-27—30,000—26-11-31.

Revenue (1932) Department.

14 SERIES.

G.O. No. 2232

DATED 2-11-32

[Despatch Abstract.]

ASSIGNMENT -

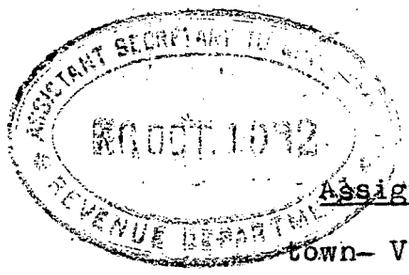
Land - (South Kanara) - Coondapur Tk. and Voderhobli village - S.No.36/3A 4A - Irregular and cancellation and reassignment - orders passed.

C.F. 31

Revenue **DEPARTMENT.**

CURRENT No. B 3334 F

Received ..... 19 *Registered* 6.10.32 19



Subject.

Assignment.- Land -(South Kanara)- Coondapur taluk and town- Voderhobli village- S.No. 86/3A-4-A (portions)- Irregularity in procedure.

ENCLOSURES.
No. .....
.....
Spare copies .....

Reference.. No. B 5035/32--1

Station Madras, *Dated the* 4th October 32 19

From
A.R.MacEwen Esq., M.C.,I.C.S.,
Secretary,
Land Revenue and
~~The~~ Board of Revenue, ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue.~~

The Hon.Mr.C.B.Cotterell, C.I.E., I.C.S.,
~~Resolution~~
~~Reference.~~ Commr.of Land Revenue. -

Read the following:-

Letter from Khan Bahadur J.Hussain, Bar-at-law, Collector of South Kanara, Ref.Al.No. 5615-32 dated the 5th September 1932:-

(A)(B)(C) HF)

In D.R.cases Nos. 40/1337, 47/1337, 85/Spl. 1339 and 31/1340 ~~(enclosed)~~ on the file of the Tahsildar of Coondapoor, 24 sub divisions carved out of S.No. 86/3A4A of Voderhobli village, within the town limits of Coondapoor, were assigned by the Tahsildar to members of the depressed classes under the provisions of paragraph 38 of B.S.O.15. Though the plots lay within the Coondapoor town limits and though they were

H 56-57 y Pol. Vol I Part 1

practically intended for house sites, no site value was levied, nor was assessment charged at the ground rent rate of Rs 6-4-0 per acre.

2. The above irregularities seem to have been evidently made by mistake. Coondapoor was constituted a town in September 1927 by the issue of a notification in the South Kanara District Gazette dated 24-9-1927 as provided for in B.S.O. 21(9). After the issue by the Collector of this notification, there was a change in the personnel of the Tahsildar and the fact that the notification had been issued was probably lost sight of in the Taluk office and it was not before the Tahsildar while passing orders in the cases in question. The irregularity was noticed at the last jamabandi by the Sub Collector who has now reported it to me for orders.

3. In the case of the first two orders which were passed on 31-3-1928 and 18-6-1928 respectively and in which 20 plots are concerned, the period of 3 years prescribed in paragraph 18 of B.S.O. 15 has already expired and I have no power to set aside or cancel them, nor can I regularise them, following the instructions laid down in B.P.Mis.2190 dated 6-10-25 in view of the circumstance that the powers of altering the rates of ground rent do not now appear to vest in Collectors under the present B.S.O.21. All the assignees are the members of the depressed classes and on account of their poverty, they cannot afford to pay any initial value of the lands. Nine of them have already built houses and occupied them and six others have either built sheds or made some other improvements on the plots. It will be a real hardship to them if their assignments are now cancelled. In the case of the remaining assignments, Government cannot insist upon erection of houses as no condition to that effect exists in the assignment orders under reference. I therefore request that Government may kindly be moved to regularise all the assignments, waiving site value, which is estimated at Rs.1000 per acre. Government have now in their order No.1368 Revenue, dated 30th June 1932 communi-

cated

communicated with B.P.No.39 Press dated 8th July 1932 directed that resettlement operations should be resumed in this district so that resettlement may be introduced in 1934-35. Automatically therefore, the assessment now levied is liable to alteration at resettlement and I suggest that the present rate may be allowed to stand until the ensuing resettlement.

Reference.-

Submitted to Government.

2. The Board considers that the irregularity can be rectified only by cancelling the orders of assignment issued by the Tahsildar and issuing fresh orders of assignment under the town site rules and recommends that the collection of land value may be waived.

3. The Collector proposes to collect the present rate of taram assessment until the ensuing resettlement. The Board considers that ground rent at Rs.6-4-0 an acre should be collected from the assignees from the date of assignment. As the assignees are, however, members of the depressed classes and are poor, the Board recommends that the back ground rent may be waived and ground rent collected at Rs.6-4-0 an acre from the current fasli.

4. The Board recommends that the condition against alienation laid down in G.O. No.Mis.355 Revenue, dated 13-2-32 may be imposed as it is proposed not to collect the value of the sites.

5. The Collector will be instructed to take disciplinary action against the Tahsildar who passed the wrong orders.

for Secretary.

To the Secretary to Government, Revenue Department, with records to be returned.

M.D.4—10

4

Rev. Dept

Assignment - Land - (South Kanara) - Coondapur Tk & Town - Vaderhobli, village - S.No. 86/3A-4A - Irregular assignments -

pp 1-3 C.F. — From the Board of Rev (Ms Rgs)

[C.R. 3382 F 32] Ref. No. B. 5035-32 IDT 4 dt 10.32

10.W.S.

Please see the Board's ref. at pp 1-3 C.F.

2. For orders whether the Board's recommendation in paras 2, 3 & 4 of its ref. at p 3 C.F. may be accepted. If so, the draft order below is for approval & may be sent to P.W.D. & Fin for acceptance before issue.

Can Govt. cancel the orders in the cases in which 3 years have elapsed?

11.10.32

Sn 11/10/32

12.10.32

10.W.S.

pp 4-5 & 6 of 86 VLT Part 1.

Under B.S.O. 15(18), the Board itself has got powers to cancel the assignments at any time (even after the expiry of the three years' period) as the assignments were irregular.

pp 2 & 3 C.F.

In this case, the sanction of Govt. is sought for because the Board recommends the reassignment of the sites to the original assignees under the town site rules, but free of market value.

pp 3 C.F.

* Bd. has got no powers under BSO 21 (4) p 86 of 4th Part 1.

13.10.32

Sn 13/10/32

The material irregularity must be in the procedure & I am not sure that in fact the terms of the assignment were more favourable than those strictly admissible under the rules can be called an irregularity of procedure. But from para 2 of the Director's report it is clear that there has been a mistake of fact & this is a ground on which the assignment may be cancelled

The draft order is for approval if you see

15.X.32

S.

Rel W&H 33324 f 32

W 17.X.32

17/10

ASST. SECRETARY TO COUNCIL
A
19 OCT 1932
241b
PUBLIC WORKS AND LABOUR DEPT.

P. to H.L. Dept

No file may be perused and passed on to Trade.

18/10/32

20/10

For the 24/10/32

326116 Rec'd 20/10/32

DEPT. OF TRADE & CUSTOMS
21 OCT 1932
CANBERRA

(5) 6

Finance (accounts)

The draft order may be accepted and the file ~~passed on~~ returned to Revenue (Detail amount of Bile value to be forgone ie Rs 4480.)

Extent of the land assigned —

Acres	
0.78	(7)
0.17	(C)
0.71	(B)
2.82	(A)
4.48	

(K on p. 207)
value at Rs 1,000 per acre =
4.48 × 1,000 = 4480.

Ex. 21/10/32
R 24/10/32

25.10.32

S

Cir. No 3261. Accts-1
28.10.32.

Rev Dept

RECEIVED SECRETARIAT TO GOVERNMENT
31 OCT 1932
REVENUE DEPARTMENT

May issue.

31.10.32

S.

Rec 36827
31-X-32

B.S.O Vol I Rs

Cir 1.11.32

C3 all
1.11.32

Sect†. II-5 (a)

33/24 Date. Initials.

When received for Fair-copying. 24/11

When copied ..

When examined ..

When signed .. 24/11

When despatched ..

REV. DEPARTMENT.

1

Whitehead 24/11

READ AGAIN G.O. No. ....., dated 19

" " " " ..... " 19

READ ALSO :—

C. No. 3334F/32 From the Board of Rev. (Apls) Ref. No. B. 5035-32.1, dated 4-10- 1932

" " ..... " " ..... " ..... " 19

" " ..... " " ..... " ..... " 19

ORDER.

No. 2232 dated 2-XI- 1932

Ms.

close cov 4/11/32

In the circumstances reported by the Board of Rev., the Govt. cancel the ~~irregular~~ assignments of 24 sub-division in S.No. 86/3A4A in Vodeshobli village, Coondapur taluk, South Kanara district, & direct the re-assignment of these sub-divisions to the original assignee but under the town site rules & free of market value. The assignments should be subject to the condition against alienation laid down in G.O. No. 355 Rev. Dt. 13-2-32

P.1cf

related to the Taluk Coondapur in D.R. Nos. 40/1337, 87/1337, 85/1339 & 31/1340.

para 2 — P.3cf

Payment for the

para 4 — P.3cf

Ground rent at Rs 6-4-0 an acre should be collected from the assignees from the current fasli.

para 3 - b ref

Dpd. by [redacted]

Upr's initial

Date 3/11 1932

To

The Bd of Rev (Regs)

with A Dis files

11-10-32

11/10/32

15.10.32

17/10